

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

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| In the matter of the repeal of ARM |) | NOTICE OF PROPOSED REPEAL |
| 2.59.1801 through 2.59.1805 |) | |
| pertaining to residential mortgage |) | NO PUBLIC HEARING |
| lenders |) | CONTEMPLATED |

TO: All Concerned Persons

1. On December 16, 2009, the Department of Administration proposes to repeal the above-stated rules.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Montana Department of Administration no later than 5:00 p.m. on December 3, 2009, to advise us of the nature of the accommodation that you need. Please contact Wayne Johnston, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2918; TDD (406) 444-1421; facsimile (406) 841-2930; or e-mail to wjohnston@mt.gov.

3. The department proposes to repeal the following rules:

2.59.1801 MORTGAGE LENDER SURETY BOND, found on ARM page 2-6145.

AUTH: 32-10-303, 32-10-502, MCA
IMP: 32-10-203, 32-10-208, 32-10-303, MCA

2.59.1802 BRANCH OFFICE LICENSING, found on ARM page 2-6145.

AUTH: 32-10-203, 32-10-502, MCA
IMP: 32-10-202, 32-10-203, 32-10-208, MCA

2.59.1803 SUPERVISION OF OFFICES AND LOAN OFFICERS, found on ARM page 2-6146.

AUTH: 32-10-502, MCA
IMP: 32-10-202, 32-10-203, 32-10-208, MCA

2.59.1804 RESPONSIBILITY FOR ACTS OF AGENTS, found on ARM page 2-6147.

AUTH: 32-10-502, MCA
IMP: 32-10-207, 32-10-501, MCA

2.59.1805 WAIVER OF IN-STATE OFFICE REQUIREMENT, found on ARM page 2-6147.

AUTH: 32-10-309, 32-10-502, MCA
IMP: 32-10-309, MCA

STATEMENT OF REASONABLE NECESSITY: The Montana Residential Mortgage Lender Licensing Act (Act) was repealed by the Legislature in 2009 as part of Senate Bill 351. ARM 2.59.1801 through ARM 2.59.1805 were adopted under authority provided by the Act. Therefore, these rules are no longer applicable and should be repealed.

4. Concerned persons may present their data, views, or arguments, concerning the proposed action to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to kosullivan@mt.gov, and must be received no later than 5:00 p.m., December 10, 2009.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, MT 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to kosullivan@mt.gov, and must be received no later than 5:00 p.m., December 10, 2009.

6. If the Department of Administration's Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be ten persons based on the number of mortgage lender entity licensees which is currently 98 as of the publication of this notice.

7. An electronic copy of this Proposal Notice is available through the department's web site at <http://doa.mt.gov/administrativerules.mcp>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may

be unavailable during some periods, due to system maintenance or technical problems.

8. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Such written requests may be mailed or delivered to Wayne Johnston, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to wjohnston@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

By: /s/ Janet R. Kelly
Janet R. Kelly, Director
Department of Administration

By: /s/ Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State November 2, 2009.